

Assembly Bill No. 1174

Passed the Assembly August 30, 2016

Chief Clerk of the Assembly

Passed the Senate August 18, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 9882 of, and to add Sections 9882.6 and 9882.7 to, the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1174, Bonilla. Automotive Repair Act: violations: regulations: reports.

The Automotive Repair Act provides for the licensure and regulation of automotive repair dealers, among others, by the Chief of the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act requires the director, on the director's initiative or in response to a complaint, to investigate a violation of the act, or of any regulation adopted pursuant to the act, by any automotive repair dealer, automotive technician, or employee, partner, officer, or member of any automotive repair dealer. The act authorizes the director to adopt and enforce the rules and regulations that the director determines are reasonably necessary to carry out the purposes of the act and declaring the policy of the bureau, including a system for the issuance of citations pursuant to a specified law. The act, except as specified, makes a violation of any requirement of the act by any person punishable as a misdemeanor.

This bill would clarify that the specified law under which the director may adopt and enforce rules and regulations under the Automotive Repair Act authorizes any board, bureau, or commission within the Department of Consumer Affairs to establish, by regulation, a system for the issuance to a licensee of a citation when the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

This bill would, with certain exceptions, require the bureau to adopt regulations regarding the bureau's policies and procedures for handling complaints, investigations, and all the bureau's methods of resolution, as specified. The bill would require the bureau to post on its Internet Web site the regulations adopted. The bill would require the bureau to track and retain data on every method of resolution attempted and completed by the bureau for

each automotive repair dealer, including, but not limited to, the type of complaint being resolved. The bill would require the bureau to submit a report to the Legislature by January 1, 2018, and annually thereafter, that details the bureau's resolution efforts, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 9882 of the Business and Professions Code is amended to read:

9882. (a) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that he or she determines are reasonably necessary to carry out the purposes of this chapter and declaring the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9, which authorizes any board, bureau, or commission within the department to establish, by regulation, a system for the issuance to a licensee of a citation when the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto. These rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2019.

SEC. 2. Section 9882.6 is added to the Business and Professions Code, to read:

9882.6. (a) The bureau shall adopt regulations regarding the bureau's policies and procedures for handling complaints, investigations, and all the bureau's methods of resolution, including, but not limited to, education, training, conferences, and

mediation. For purposes of this section, “policies and procedures” shall not include the bureau’s policies and procedures for conducting undercover investigations.

(b) The regulations shall include, but not be limited to, all of the following:

- (1) How a complaint is to be filed with the bureau.
- (2) How a complaint is to be investigated by the bureau.
- (3) How mediation is used by the bureau. The regulations regarding mediation shall clearly identify when mediation is used, how mediation is implemented by the bureau, and how mediation data is collected and reported by the bureau.

(c) The bureau shall post on its Internet Web site all regulations adopted pursuant to the requirements of this section.

SEC. 3. Section 9882.7 is added to the Business and Professions Code, to read:

9882.7. (a) The bureau shall track and retain data on every method of resolution attempted and completed by the bureau for each automotive repair dealer, including, but not limited to, all of the following:

- (1) The type of complaint being resolved.
- (2) The remedy or remedies sought and obtained in resolution, including, but not limited to, restitution, refund, work to be redone at no charge, bill adjustments, returns or exchanges, and the dollar amount of any remedy, if applicable.
- (3) The number of complaints where resolution was attempted but where no remedy was reached and the number of complaints where any method of resolution was successful.

(b) The bureau shall submit a report to the Legislature by January 1, 2018, and annually thereafter, that details the bureau’s resolution efforts. The report shall include, but not be limited to, the data in subdivision (a).

(c) The report shall be submitted pursuant to Section 9795 of the Government Code.

(d) “Method of resolution” for purposes of this section includes, but is not limited to, education, training, conferences, and mediation.

Approved _____, 2016

Governor